

Family Law Rules of Court for the Ninth Judicial Circuit

VIRGINIA: IN THE CIRCUIT COURTS OF THE COUNTIES OF CHARLES CITY, GLOUCESTER, JAMES CITY, KING AND QUEEN, KING WILLIAM, MATHEWS, MIDDLESEX, NEW KENT, YORK AND THE CITIES OF WILLIAMSBURG AND POQUOSON

In order to promote a uniform practice for family law matters in the Ninth Circuit, the following family law rules are adopted. It is the hope of the Judges that these rules will provide for a better exchange of information between the parties, provide a degree of predictability and lead to more settlement agreements between the parties.

- 1) Child custody and child support: The parties are to prepare and to exchange the financial information necessary for the completion of the child support guidelines at least three **(3) business days** in advance of the hearing date.

In contested child custody and visitation matters the designated form, which reflects the requirements of §20-124.3, is to be completed under oath and exchanged at least **three (3) business days** in advance of the hearing.

In all pendente lite support hearings, the moving party shall complete the form order in Court after the hearing, all parties shall endorse the order before leaving the courtroom. A separate payroll deduction order or waiver shall be prepared and entered at the same time.

- 2) Equitable Distribution: Before a case is referred to a Commissioner in Chancery, the appropriate designated forms shall be prepared and exchanged at least **three (3) business days** in advance of the pretrial hearing. The Court will conduct a pretrial conference and refer or schedule the case for trial as appropriate. **If the Court hears the matter, it must decree a divorce or dissolution of the marriage before adjudicating equitable distribution.**

3) Spousal support:

A) Pendente Lite: The parties are to prepare and exchange the required financial information as set forth on the uniform income & expenses statement for the completion of the support guidelines at least **three (3) business days** in advance of the hearing date and complete the Ninth Circuit spousal support guidelines.

B) Permanent: **Upon entry of a decree of divorce and after awarding equitable distribution**, if contested, the parties are to prepare and exchange the following documents at least **three (3) business days** in advance of the hearing:

- 1) §20-107.1 Proffers (See package) to be prepared
- 2) Current Court income and expense form to be completed

The reference to parties shall include “counsel” and “attorneys” and pro se parties.

A copy of all documents required by this rule shall be provided to the Court at least **three (3) business days** before the hearing. Fax copies shall not be accepted by the Court unless approved by the presiding Judge or by the Rules of Court as promulgated by the Virginia Supreme Court.

A failure to comply with this rule may result in the imposition of sanctions.

The complete package of Domestic Relations forms for the Ninth Circuit may be purchased from a participating Clerk's Office or a participating bar association, or may be available free-of-charge on the Internet at the County of York Government Circuit Court web page (<http://www.yorkcounty.gov/circuitcourt>).

In compliance with Rule 1:15, Local Rules of Court of the aforementioned Rules of the Supreme Court of Virginia, this rule shall be spread upon the Order Book and a copy with the date of entry shall be forthwith posted in the Clerk's Office, filed with the Director of the Virginia State Bar and furnished to attorneys regularly practicing before this Court; and whenever an attorney becomes counsel of record in any proceedings in this Court in which the attorney does not regularly practice, it shall be the attorney's responsibility to ascertain the rules of this Court and abide thereby. The Clerk shall upon request furnish a copy of all rules then in force and effect.

ENTER: 7/8/02

EFFECTIVE: 7/8/02

s/Thomas B. Hoover

Thomas B. Hoover, Judge

s/Samuel T. Powell III

Samuel T. Powell, Judge

s/William H. Shaw III

William H. Shaw, III, Judge

s/Prentis Smiley Jr.

Prentis Smiley, Jr., Judge